

SENATE BILL 1246

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 8, Part 1 and Title 38, Chapter 8, Part 1,  
relative to certification requirements for law  
enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-8-102, is amended by deleting subsection (d) in its entirety and by substituting instead the following language:

(d)

(1) Notwithstanding any provision of subsections (a)-(d) to the contrary, a current and valid peace officer certification issued by the peace officer standards and training commission or training that is approved by or meets the standard on minimum hours required to be certified by the peace officer standards and training commission is not a requirement for a person to initially qualify for election to the office of sheriff. However, unless subdivision (d)(2) is applicable, if such a person qualifies to run for the office of sheriff and is elected to the office, such person shall be required to enroll, within six (6) months after taking office, in the recruit training program offered by the Tennessee law enforcement training academy. Any cost associated with obtaining such peace officer standards and training certification shall be paid by the county. For such person to qualify for the office of sheriff in any subsequent election, the person must have completed such recruit training program and have obtained peace officer standards and training certification during such person's first term of office as sheriff.

(2) If, pursuant to subdivision (d)(1), a person is elected to the office of sheriff, and the person's certification by the peace officer standards and training commission is inactive or no longer active for more than ten (10) years, such person shall pass the peace officer standards and training commission's certification test prior to certification

reinstatement. Such elected sheriffs may be required to attend a basic law enforcement academy if they are unable to pass the peace officer standards and training commission certification test within one (1) year of employment as sheriff.

(3)(A) If, pursuant to subdivision (d)(1), a person is elected to the office of sheriff, and the person does not possess a current and valid peace officer certification, upon taking office the salary of such person shall be fifteen percent (15%) less than the salary of a person initially elected to the office of sheriff who does possess a current and valid certification; provided, that if during the first year in office, such person completes the recruit training program and obtains certification, or if subdivision (d)(2) is applicable and such person obtains certification, the salary of such person shall, as a matter of law, automatically be raised the month following the date certification is obtained to the level of other persons initially elected to the office of sheriff who are certified. However, if such a person does not complete the recruit training program and obtain certification, or if subdivision (d)(2) is applicable and such person does not obtain certification, during the person's first year in office, then the following reduction in salary shall occur as a matter of law, until such person obtains certification:

(i) During the second year in office, the salary shall be twenty percent (20%) less than the salary of a first-term sheriff who is certified;

(ii) During the third year in office, the salary shall be twenty-five percent (25%) less than the salary of a first-term sheriff who is certified; and

(iii) During the fourth year in office, the salary shall be thirty percent (30%) less than the salary of a first-term sheriff who is certified.

(B) Notwithstanding such salary schedule, the salary shall, as a matter of law, be automatically raised the month following the date certification is obtained to the level of a first-term sheriff who is certified.

(4) As used in this subsection (d), “certification” or “certified” means a current and valid peace officer certification issued by the peace officer standards and training commission or training that is approved by or meets the standard on minimum hours required to be certified by the peace officer standards and training commission.

SECTION 2. Tennessee Code Annotated, Section 38-8-107(a), is amended by deleting the second sentence in its entirety and by substituting instead the following language:

All officers employed after July 1, 1983, other than sheriffs who were previously certified but whose certification is inactive or no longer active for more than ten (10) years, must successfully complete recruit training within one (1) year of their date of employment and thereafter must successfully complete an annual in-service training session appropriate for their rank and responsibilities. Sheriffs who were previously certified but whose certification is inactive or no longer active for more than ten (10) years shall pass the certification test before certification is reinstated. Such sheriff may be required to attend a basic law enforcement academy if such sheriff is not able to pass the certification test within one (1) year of employment as sheriff.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.